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Attorney for Defendant – KEVIN CHRISTOPHER KALE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

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|---------------------------|---|-----------------|
| UNITED STATES OF AMERICA, |) | 2:22-MJ-105-VCF |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2nd Request |
| |) | |
| KEVIN CHRISTOPHER KALE, |) | |
| |) | |
| Defendant. |) | |

ORDER TO CONTINUE PRELIMINARY EXAMINATION

IT IS HEREBY STIPULATED AND AGREED by and between MICHAEL J. MICELI, ESQ., Counsel for Defendant KEVIN CHRISTOPHER KALE and JOSHUA BRISTER, Assistant United States Attorney, that Preliminary Examination currently scheduled for April 29, 2022 at 4:00 p.m., be vacated and reset to a date and time convenient to the court but no earlier than sixty (60) days.

This Stipulation is entered into for the following reasons:

1. Counsel has spoken to Defendant and he has no objection to the request for continuance.
2. Defendant is currently out on pretrial release.

- 1 3. Counsel for defendant has spoken to AUSA and he has no objection to the
2 continuance.
- 3 4. Counsel needs additional time to adequately review the case.
- 4 5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may
5 extend the time limits in Rule 5.1(c) with the defendant's consent and upon a
6 showing of good cause taking into account the public interest in the prompt
7 disposition of criminal cases. Because the defendant requires time to adequately
8 review the case prior to the preliminary hearing, good cause exists to extend the time
9 limits in Rule 5.1(c).
- 10 6. The time from February 24, 2022, to the new preliminary hearing date will be
11 excludable under the Speedy Trial Act, Title 18, United States Code, Section
12 3161(h)(7)(A), which provides that the Court may exclude time arising from a
13 continuance upon finding that the ends of justice served by granting the continuance
14 outweigh the best interests of the defendant and the public in a speedy trial.
- 15 7. Denial of this request for continuance could result in a miscarriage justice.
- 16 8. The additional time requested by this stipulation is excludable in computing the time
17 within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
18 United States Code, Section 3161(b), and considering the factors under Title 18,
19 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).
- 20 9. For all the above-stated reasons, the ends of justice would best be served by a
21 continuance of the Preliminary Examination until a date and time convenient to the
22 court.
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1 This is the second request for continuance filed herein.

2 DATED: April 26, 2022

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4
5 /s/ Michael J Micelli, Esq..
6 MICHAEL J. MICELI, ESQ.
7 601 Las Vegas Boulevard, South
8 Las Vegas, Nevada 89101
9 ATTORNEY FOR THE DEFENDANT
10 KEVIN CHISTOPHER KALE

/s/ Joshua Brister, Esq.
JOSHUA BRISTER
ASSISTANT UNITED STATES ATTORNEY
501 LAS VEGAS BOULEVARD SOUTH. #1100
LAS VEGAS, NEVADA 89101
ATTORNEY FOR UNITED STATES OF
AMERICA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) 2:22-MJ-105-VCF
)
)
Plaintiff,)
)
v.)
)
KEVIN CHRISTOPHER KALE,)
)
Defendant.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

This Stipulation is entered into for the following reasons:

1. Counsel has spoken to Defendant and he has no objection to the request for continuance.
2. Defendant is currently out on pretrial release.
3. Counsel for defendant has spoken to AUSA and he has no objection to the continuance.
4. Counsel needs additional time to adequately review the case.
5. Denial of this request for continuance could result in a miscarriage justice.
6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Preliminary Examination until a date and time convenient to the court.

This is the second request for continuance filed herein.

CONCLUSIONS OF LAW

Denial of this request for continuance would deny the parties herein the opportunity to effectively and thoroughly prepare for Preliminary Examination.

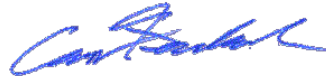
Additionally, denial of this request for continuance could result in a miscarriage of justice.

The additional time requested by this stipulation is excludable in computing the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(b), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

ORDER

IT IS HEREBY ORDERED that the Preliminary Examination currently scheduled for April 29, 2022, at 4:00 p.m., be continued to the 6th day of July, **2022** at 4:00 p.m., in courtroom 3D.

DATED this 26th day of April, 2022.



U.S. MAGISTRATE JUDGE